

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JUSTIN JONES,)	
Register No. 1028155,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4027-CV-C-NKL
)	
DAVE DORMIRE, et al.,)	
)	
Defendants.)	

ORDER

On April 20, 2005, the United States Magistrate Judge recommended dismissing plaintiff's claims for failure to comply with court orders, pursuant to the provisions of Fed. R. Civ. P. 41(b). The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed, although plaintiff was granted two extensions of time in which to comply with this court's order to pay the initial filing fee. Plaintiff has failed to pay the initial filing fee.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that plaintiff's claims are dismissed for failure to comply with court orders, pursuant to the provisions of Fed. R. Civ. P. 41(b). It is further

ORDERED that all pending motions are denied as moot [14, 18].

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: June 14, 2005
Jefferson City, Missouri